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Examiner/Art Unit: F.L.Lagman/3673

Response date: 12/4/03

Applicants: Vought and Flowers

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- A/
44. An apparatus according to claim 24, wherein said corrosion resistant load-bearing material is selected from the group consisting of: fiberglass reinforced unsaturated polyester resin, polyethylene, fiberglass, and preformed plastic.
45. An apparatus according to claim 24, wherein the means for sealing the space between the exterior of the base unit and the interior of the top unit is a gasket-like device.
46. An apparatus according to claim 24, wherein the base unit has a non-corrosive composite material which encloses an invert and bench area, disposed so that said invert and bench are at least 4 in. above the incoming pipelines.
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REMARKS - General

1. The Office Action (OA) objected to the drawings for failure

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to contain reference characters/numerals (informalities).

In response to the objection to the Drawings, the drawings are resubmitted with reference characters and numerals to convey a better understanding of the invention. The specification is amended to include such reference characters/numerals.

2. The OA objected to the Drawings for failure to show every feature 37 CFR 1.83(a). The amended drawings do show every feature of the proposed invention, including the "lower external flange at the bottom of the top unit" as in claim 5. See Figure 1, 105. This is not new matter, as it had previously been illustrated in Fig. 18 of the original drawings (upper left hand-corner showing variations of top unit). Proposed drawing corrections are submitted.
3. The OA objected to the disclosure for informalities in the drawings. A brief description of the drawings was

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previously submitted, and is re-submitted as amended to include the reference characters/numerals.

4. The OA objected to claim 20 for improper capitalization of the steps. Claim 20 is re-submitted to remove the capitalization as requested.
5. The OA cites 35 U.S.C. 103(a) as the basis for all obviousness rejections, and so requires no response.
6. The OA rejects claims 1-3, 6, 9-13, 16, and 22 under 35 U.S.C. 103(a) as being unpatentable over Christo #4,325,405 in view of Bliss #5,671,772. In response to the rejection of claims 1-3, 6, 9-13, 16, and 22 as obvious and therefore allegedly unpatentable over Christo #4,325,405 in view of Bliss #5,671,772, Applicant argues as follows: Examiner has applied impermissible hindsight reasoning as it is not obvious from the cited art that a sealing means combined

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with the internal flange 104 and external flange 105 on the top units creates a better invention. Contrary to the Examiner's assertions, and unlike the sealing means 204 of the present invention, the O-ring gasket in Bliss 80 is a load bearing element whose tensile strength is an important element of the invention as set forth in column 3 lines 34-42. One of ordinary skill in the art at the time of this application would not have made the combination of Christo and Bliss in this manner. There is a lack of suggestion in the prior art of the desirability of combining the references Christo and Bliss in this manner. Indeed the reference in Christo, with an interior flange speaks of locking the members together or screwing the members together, column 1 lines 26-31, and so no other sealing means is necessary. The teaching of Christo is away from the sealing means of the instant invention, and further teaches away from combining the subsequent art in Bliss. The sealing means of the present invention would change the

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principal operation of Christo. Moreover, the sealing means described in the present invention, which need not be load bearing, would render Bliss unsatisfactory for its intended purpose because the O-ring gasket is required to be a load-bearing essential component of Bliss. The references themselves teach away from their combination. The current invention was achieved contrary to the accepted wisdom of Christo in view of Bliss, and, when considered in their totality, the sealing means of the current invention were not obvious.

In addition, the results achieved by the invention claimed are new and superior to the referenced art. Prior to the date of the Applicant's submissions, those skilled in the art were skeptical that the simplicity used in Applicant's invention would be functional as presented; as, indeed, Applicant's invention is far more simple than the cited art, without loss of capability. As shown by the Examiner's objections, the art is crowded, so that even the

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small steps forward in the Applicant's submissions should be regarded as significant. Up to now, those skilled in the art did not appreciate the advantages of the Applicant's invention, although those advantages are inherent. The fact that those skilled in the art have not implemented Applicant's invention until now, despite its great advantages, indicates that Applicant's invention is not obvious. Moreover, Applicant's invention solves a different set of problems than the Examiner's references, and such different problems are recited in the claims. The examiner has not presented a convincing line of reasoning, as to why the claimed subject matter as a whole, including the differences over Examiner's references, would have been obvious. Examiner's references are complete and functional in themselves, and so there would be no reason to use parts from, or add, or substitute parts to any reference as suggested by the Examiner. It would be necessary to make modifications, not taught in the Examiner's references, in

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order to combine the references in the manner suggested by the Examiner. The whole of Applicant's invention is, and the results it achieves are, greater than the sum of its parts, and greater than the results of the individual references. The combination suggested by the Examiner requires a series of separate, awkward, and at times mutually inconsistent, steps that are too involved to be considered obvious.

Therefore, Applicants submit that claims 1-3, 6, 9-13, 16, and 22 are allowable over the cited references and solicit reconsideration and allowance of those claims.

7. The OA rejects claims 21 and 23 under 35 U.S.C. 103(a) as being unpatentable over Christo in view of Bliss and further in view of Almeida #5,386,669. In response to the obviousness rejections of claims 21 and 23, and in addition to the reasons cited above in Response paragraph 5, it would not have been obvious to one skilled in the art to use a material selected from the group consisting of fibreglass

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reinforced unsaturated polyester resin, polyethylene, fiberglass, and preformed plastic, prior to the submission of the instant invention. The current invention describes these materials as load bearing, non-corrosive composite materials, which were not obvious to one skilled in the art. In the cited reference, there are steel reinforcements or rebar inserted during a rotational molding process, Almeida column 13 line 7-16. Bliss describes a cast ductile iron valve box, Bliss column 2 line 2. There is a lack of suggestion of the desirability of combining the references as discussed in the rejection. Contrary to the examiner's assertions, the references teach away from using material from the group consisting of fiberglass reinforced unsaturated polyester resin, polyethylene, fiberglass, and preformed plastic, alone, as load bearing materials. The examiner's proposed combinations would make the references unsatisfactory for their intended purposes. The combination of the three references also proceeds contrary to the

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accepted wisdom in the art at the time of the filing of the current invention. Examiner failed to include the understanding that the elements of the invention had to be load bearing as well as lightweight and corrosion resistant. Contrary to the Examiner's assertion, the invert and bench area in Almeida is fabricated of concrete column 13 line 1, and not of any of the selected materials in Applicants' invention.

Therefore, Applicants submit that claims 21 and 23 are allowable over the cited references and solicit reconsideration and allowance of those claims.

8. The OA states that claims 4, 5, 7, 8, 14, 15, 17-19, are objected to as being dependent upon rejected base claims, but would otherwise be allowable if rewritten in independent form. In response to the allowable claims, Applicant has submitted amended claims 4, 5, 7, 8, 14, 15, 17-19 in independent form. Therefore, Applicants submit that claims 4, 5, 7, 8, 14, 15, 17-19 are allowable over the cited

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references and solicit reconsideration and allowance of those claims.

9. The OA states that claim 20 would be allowable if corrected to overcome the claim objection concerning improper capitalization. In response to the claim objection, Applicant has submitted amended claim 20 to overcome the objection stated. Therefore, Applicants submit that claim 20 is allowable and solicit reconsideration and allowance of claim 20.
10. The OA cites Examiner's references and considers them pertinent to the Applicants' disclosure. In response, Applicants have cited legal reasons why Applicants' invention is not obvious and therefore allowable. Applicants have reviewed all of the cited references, although none of the other references has been applied against any claim. After review of the cited references, Applicants state that those references do not show Applicants invention, as claimed. Nor do the cited

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references render "obvious" Applicants claims pursuant to 35 U.S.C. 103(a). Applicants solicit reconsideration of all of the rejections and allowance of all of their claims.

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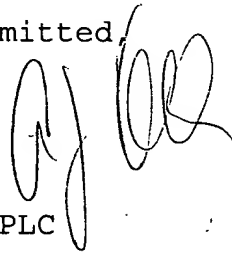
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CONCLUSION

For all of the above reasons, Applicants submit that the specification and claims are now in proper form, and that the claims all define patentably over the referenced art. Therefore, they submit that this application is now in condition for allowance, which action they respectfully solicit.

Respectfully submitted,


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Dated: December 4, 2003.

Certificate of Express Mailing Under 37 C.F.R. Sec. 1.10
Date of Deposit: December 4, 2003

I hereby certify that this Response to First Office Action, along with Petition to Revive Unintentionally Abandoned Application, fee for Petition to Revive (\$665.00), and return postcard, as well as Amended Drawings, is being deposited with the United States Postal Service via United States Express Mail in an envelope, tracking number EU 030 221 558 US, addressed to: Mail Stop: Petition, Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, on this 4th day of December, 2003.


Mr. A.J. Kelly, Attorney for Applicants